Hugh M. Ray, III
State Bar No. 24004246
Ruth Van Meter
State Bar No. 20661570
MCKOOL SMITH P.C.
600 Travis, Suite 7000
Houston, Texas 77002
Telephone: (713) 485-7300
Facsimile: (713) 485-7344

ATTORNEYS FOR SPCP GROUP, LLC

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	
	§	
PRM REALTY GROUP, LLC,	§	**Case No. 10-30241-bjh-11**
	§	
Debtor.	§	**Chapter 11**

**SPCP GROUP, LLC'S LIMITED OBJECTION
TO NOTICE OF INTENTION TO TAKE ORAL DEPOSITION OF
CORPORATE REPRESENTATIVE OF SPCP GROUP, LLC
AND REQUEST FOR PRODUCTION**

SPCP Group, LLC ("SPCP") as a creditor of PRM Realty Group LLC (the "Debtor" or "PRM Realty"), Debtor in the above-styled case, files this Limited Objection to Notice of Intention to Take Oral Deposition of Corporate Representative of SPCP Group, LLC and Request for Production (the "Notice"), and respectfully shows as follows:

I. RELEVANT FACTUAL BACKGROUND

1. On January 6, 2010, (the "Petition Date") the Debtor Morris filed his Voluntary Petition for Relief under Chapter 11 of Title 11 of the Bankruptcy Code.

2. On December 30, 2010, the United States Trustee for Region 6 ("UST") filed the United States Trustee's Motion to Convert to Chapter 7 Under 11 U.S.C. § 1112(b)(1) (the "Motion to Convert") [Docket No. 190].

3. On January 20, 2011, SPCP filed its Joinder in the United States Trustee's Motion to Convert (the "Joinder") [Docket No. 196].

4. The hearing for the Motion to Convert and Joinder is set for February 7, 2011 (the "Hearing").

5. On January 25, 2011, The Debtor requested to take the deposition of SPCP pursuant to Federal Rule of Civil Procedure 30(b)(6) prior to the Hearing.

6. On January 26, 2011, at 5:57 p.m., the Debtor served the Notice[1] pursuant to an agreement between the Debtor and SPCP that a representative of SPCP would be produced for deposition relating **only** to the issues in the Joinder on extremely short notice (the "Deposition"). A true and accurate copy of the Notice is attached hereto as Exhibit "A," and incorporated herein for all purposes.

7. The Deposition is scheduled for 9:00 a.m. on January 28, 2011 in Greenwich, Connecticut.

II. LIMITED OBJECTION

8. SPCP agreed to produce a representative of SPCP on extremely short notice. SPCP understood that the Deposition was merely to be relating to the Joinder.

9. However, when the Notice was served, it contained the following requests:

> Pursuant to Fed. R. Civ. P. 30(b)(6), you are hereby requested to designate an individual corporate representative or representatives to testify on the following matters:
>
> a. The facts asserted and allegations contained within the Joinder and the basis for the relief requested in the Joinder; and
>
> b. The possession, ownership, and physical location [of] the loan documents giving rise to SPCP's claim against PRM Realty Group, LLC, including without limitation the Consolidated, Amended and Restated Note by PRM Jackson Pond Residential Development Associates, LLC, dated June 30,

[1] Although the Notice is titled with a "Request for Production," no documents have been requested to be produced.

2006; the Assignment of Mortgage from Bridge Funding, Inc. to SPCP Group, recorded September 7, 2006; the Loan, Notes, and Mortgage Modification Agreement, dated April 8, 2010; and the Second Loan, Notes, and Mortgage Modification agreement, dated September 23, 2008.

10. SPCP objects to producing a witness pursuant to Paragraph b of the Notice on the basis that, *inter alia,* (i) the Deposition has been scheduled on extremely short notice and SPCP cannot be fully prepared on the short notice; (ii) the request in Paragraph b of the Notice seeks information that is neither relevant to the Joinder nor reasonably calculated to lead to the discovery of admissible evidence; (iii) the request in Paragraph b of the Notice seeks information that is not at issue in the Debtor's bankruptcy case, and (iv) the request in Paragraph b of the Notice is no more than a fishing expedition.

11. The issues raised in the Motion to Convert and the Joinder are based on the Debtor's and Peter Morris' actions and not on any issue regarding SPCP.

III. RELIEF REQUESTED

12. SPCP requests that its objections to Paragraph b of the Notice be granted and the Notice be quashed as to all issues relating to Paragraph b of the Notice.

IV. PRAYER

WHEREFORE, SPCP requests that this Court grant SPCP's objections to the Notice and grant such other and further relief as this Court may deem proper, both at law and in equity.

DATED: January 27, 2011

Respectfully submitted,

McKOOL SMITH P.C.

By: /s/ Ruth Van Meter
HUGH M. RAY, III
State Bar No. 24004246
RUTH VAN METER
State Bar No. 20661570
McKool Smith P.C.
600 Travis, Suite 7000
Houston, Texas 77002
Telephone: (713) 485-7300
Facsimile: (713) 485-7344

ATTORNEYS FOR SPCP GROUP, LLC

CERTIFICATE OF CONFERENCE

On January 27th, the Debtor's counsel was notified that this Objection was going to be filed. The Debtor's counsel did not respond.

/s/ Ruth Van Meter
Ruth Van Meter

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2011, a true and correct copy of the foregoing document has been served via the ECF system.

/s/ Ruth Van Meter
Ruth Van Meter